

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



January 7, 2014

Raymond Tao
Building Official
City of Diamond Bar
21810 Copley Drive
Diamond Bar, CA 91765

RE: Ordinance #09-2013

Dear Mr. Tao:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on November 25, 2013.

Our review finds the submittal to contain one ordinance modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modification is accepted for filing and is enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the Commission. The Commission is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code are specific to a particular edition of the code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the code is published.

On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code §13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than this Commission. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in blue ink, which appears to read "Enrique M. Rodriguez", is written over a horizontal line.

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



City of Diamond Bar

21810 Copley Drive • Diamond Bar, CA 91765-4178

(909) 839-7000 • Fax (909) 861-3117

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November 20, 2013

Mr. Jim McGowan
Executive Director
California Building Standards Commission
2525 Natomas Park Dr., Suite 130
Sacramento, California 95833

**RE: City of Diamond Bar, 2013 California Building Standards Code
Local Modifications Filing**

Mr. McGowan:

The City of Diamond Bar has adopted the current Building, Plumbing, Mechanical, Electrical, Residential, and Green Standards Codes of the State of California with local modification based on local climatic, geological, and topographic conditions as per CA Health & Safety Code (H&SC) 17958.7.

The City of Diamond Bar has recommended changes and modifications to the Codes and have advised that certain said changes and modifications to the 2013 Editions of the California Building, Plumbing, Mechanical, and Electrical Codes are reasonably necessary due to local conditions in the City of Diamond Bar and have further advised that the remainder of said changes and modifications are of an administrative or procedural nature, or concern themselves with subjects not covered by the Code or are reasonably necessary to safeguard life and property within the City of Diamond Bar. Some of these administrative changes are prior municipal amendments that have been adopted but are updated for the current code references only. The summary of findings may be found in Section 2 of the ordinance.

The enclosed City Ordinance 09(2013) for the Building, Plumbing, Mechanical, & Electrical adoption are for your files.

Jack Tanaka
Mayor

Ron Everett
Mayor Pro Tem

Ling-Ling Chang
Council Member

Carol Herrera
Council Member

Steve Tye
Council Member

If additional information is desired please telephone this office at (909) 839-7021.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Raymond Tao', written over the word 'Sincerely,'.

Raymond Tao
Building Official

**CITY COUNCIL
ORDINANCE NO. 09 (2013)**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DIAMOND BAR AMENDING TITLE 15 OF THE DIAMOND BAR CITY CODE AND ADOPTING, BY REFERENCE, THE 2013 CALIFORNIA BUILDING CODE, VOLUMES 1 AND 2, INCLUDING APPENDICES C, I, AND J THERETO, CHAPTER 1 DIVISION II OF THE 2013 CALIFORNIA BUILDING CODE AS THE ADMINISTRATIVE CODE, THE 2013 CALIFORNIA MECHANICAL CODE, AND THE APPENDICES THERETO, THE 2013 CALIFORNIA PLUMBING CODE, AND THE APPENDICES THERETO, THE 2013 CALIFORNIA ELECTRICAL CODE, AND THE APPENDICES THERETO, THE 2013 CALIFORNIA RESIDENTIAL CODE, INCLUDING APPENDICES G, H, J, K, AND O THERETO, AND THE 2013 CALIFORNIA GREEN BUILDING CODE, WITHOUT THE APPENDICES THERETO, TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS AND EXCEPTIONS.

A. RECITALS

- (i) California Government Code Section 50022.1 *et seq.*, authorizes the City of Diamond Bar to adopt by reference the 2013 California Building Code; the 2013 California Administrative Code; the 2013 California Mechanical Code; the 2013 California Plumbing Code; the 2013 California Electrical Code; the 2013 California Residential Code; and the 2013 Green Building Code as set forth in the California Code of Regulations, Title 24, parts 2, 2.5, 3, 4, 5, and 11.
- (ii) Pursuant to the California Health and Safety Code Sections 17922, 17958, 17958.5 and 17958.7, the City may make modifications to the Title 24 building standards and requirements that it deems reasonably necessary to protect the health, welfare and safety of the citizens of Diamond Bar because of local climatic, geological, or topographical conditions.
- (iii) At least one copy of each of the codes and standards identified in this Ordinance and certified as full, true and correct copies thereof by the City Clerk of the City of Diamond Bar have been filed in the office of the City Clerk in accordance with the provisions of California Government Code Section 50022.6.
- (iv) The City held a public hearing on October 15, 2013, at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the codes and standards identified in this Ordinance as amended herein.
- (v) Pursuant to California Government Code Section 6066, the City published notice of the aforementioned public hearing on October 4, 2014.
- (vi) Any and all legal prerequisites relating to the adoption of this Ordinance have occurred.

B. ORDINANCE

NOW, THEREFORE, the City Council of the City of Diamond Bar does hereby find, determine and ordain as follows:

SECTION 1: Findings in Support of Modifications to Title 24 Building Standards.

This Council does expressly find and determine that the modifications to the Title 24 building standards set forth herein are reasonably necessary to protect the health, welfare and safety of the citizens of Diamond Bar because of the following local climatic, geological or topographic conditions.

- (1) The hillsides in Diamond Bar are composed of Puente Formation, and similar weak geological materials, while neighboring flatland areas are composed of more stable fill and alluvial materials. These materials may be naturally unstable or weak in terms of physical support. These highly expansive soil conditions are vulnerable to earth movement as well as unpredictable seismic response of buildings. The unpredictable response from prior seismic events including Chino Hills, Northridge, and the Whittier earthquakes have demonstrated the need for greater quality control to ensure against poor seismic performance of multi-story structures.
- (2) The City experiences diverse temperatures, which promotes expansion and contraction of the soil. This condition is very damaging to expansive type soil.
- (3) Because of the above-described climatic and geological conditions, the City of Diamond Bar requires special engineering to support habitable structures within the unstable soil areas and requires additional measures to be taken in connection with excavation and grading activities.
- (4) The City is located in a seismically active area and is in close proximity to various active faults including the Chino, Sierra Madre, Cucamonga, Whittier, San Jacinto and Raymond Faults. It is reasonably foreseeable that an earthquake would render the City particularly vulnerable to devastation.
- (5) The City has extensive hillside topography, unstable geology, watershed areas, expansive soils, and underground streams. In addition, the regional climate alternates between extended periods of drought and brief periods of rainfall. For these reasons, the City is susceptible to flood conditions.
- (6) Because of the above-described geological conditions within the City, and the substantial amount of freeway, railroad, and flood control facilities throughout the community, the City, in the event of an earthquake, may be unable to dispatch an adequate number of fire personnel and apparatus to suppress fires and conduct rescue operations. Moreover, the conditions within Diamond Bar likewise occur in surrounding communities, hereby rendering mutual aid assistance problematic, at best.
- (7) Due to the City's topography, numerous hillside fire hazard areas are located within its boundaries.

- (8) Climatic conditions within the community render it extremely likely that, in the event of seasonal high winds and earthquake occurring, the County Fire Department would be unable to suppress numerous fires occurring throughout the community.
- (9) Located throughout the City, as well as in the surrounding communities, are numerous concentrations of structures which have roofs constructed of thinly cut pieces of wood, otherwise known as untreated shakes, as well as untreated wood shingles. These untreated wood shakes and shingles are extremely combustible in nature.
- (10) The City is located in an area climatically classified as "arid" and prone to winds of high velocity. Moreover, due to the arid nature of the area, the weather during the windy periods tends to be very warm and dry. The dry weather conditions present a significant threat of wild fire to the City's undeveloped hillsides, wild lands, and nearby homes and highly populated areas. The potential for rapid spread of even small fires create a need for increased levels of fire protection.
- (11) Sound transmission controls are necessary to protect City residents from excessive noise generated by multiple nearby freeway interchanges and large arterial streets, among other sources.
- (12) Local climate makes pool ownership desirable. Children often reside in close proximity to swimming pools, making pool barriers necessary. This need is increased due to potential delays in emergency rescue response resulting from the location of hillside residences and traffic congestion.

The Council does hereby further expressly find and determine that the amendments to the Title 24 building standards, set forth herein, and as referenced below, are appropriate given the specific local climatic, geological or topographic conditions set forth above.

CBC Sections 1505.1. and 1505.1.1 – Findings 7,8,9, 10.

CBC Sections 1612.1.1 – Finding 5.

CBC Sections 1801.3, 1803.1, 1803.8, 1803.8.1, 1809.4 and Appendix J – Findings 1, 2, 3, 4, and 5.

CRC Sections R301.1.3.2, R313.1, R313.2, R327.1.3, R327.1.3, R327.2, R402.1.3 – Findings 6, 7, 8, 9, and 10.

CRC Section R332 – Finding 1.

CRC Section R334 – Finding 11.

CBC Section 3109.4.1 and CRC R333 – Finding 12.

CPC Section 722.6 – Finding 3.

SECTION 2: Title 15 (Building and Construction Safety), Chapter 15.00, Division 2. – Chapter 1 Administration Code is hereby deleted in its entirety and replaced to read as

follows:

DIVISION 2. - ADMINISTRATION CODE

- Sec. 15.00.110. California Administration Code -- Adopted.
- Sec. 15.00.120. Amendments to the California Administration Code.
- Sec. 15.00.130. Penalties for violation of division.
- Secs. 15.00.140. -- 15.00.300. Reserved.

Sec. 15.00.110. California Administration Code -- Adopted.

Except as amended by Section 15.00.120, the California Administration Code, Chapter 1, Division II of the 2013 California Building Code, is hereby adopted and incorporated herein by reference as though fully set forth in this Division and shall constitute the Administration Code of the City.

Sec. 15.00.120. Amendments to the California Administration Code.

(1) Section 104.6 of the California Administration Code is amended to read as follows:

104.6 Right of entry. The building official, or his/her duly authorized representative, shall have the authority to enter any building or premises for the purpose of investigation of the existence of suspected or reported damage or defects which constitute an immediate danger to human life or an immediate hazard to public safety or health. Except in emergency situations, the building official, or his/her authorized representative, shall not enter any building or premises without the consent of the owner or occupant thereof, unless he/she possesses a warrant authorizing entry and search of the premises. No person shall hinder or prevent the building official, or his/her authorized representative, while in the performance of the duties herein described as emergency situations or while in possession of a warrant, from entering upon and into any and all premises under his/her jurisdiction, at all reasonable hours, for the purpose of inspecting the same to determine whether or not the provisions of the Chapter and all other applicable laws or ordinances pertaining to the protection of persons or property are observed therein.

(2) Section 105.1 of the California Administration Code is amended to read as follows:

105.1 Permits required. Except as specified in Section 105.2, no building or structure regulated by this Code shall be used, erected, constructed, enlarged, altered, repaired, moved, improved, removed, occupied, maintained, converted or demolished unless a separate permit for each building or structure has first been obtained from the building official. All signs affixed to any building or structure and not otherwise requiring a permit hereunder shall require a building permit.

- (3) *Section 105.2 of the California Administration Code is amended to restate exemptions 1, 4, and 9 as follows:*

105.2 Work exempt from permit.

1. One story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided (a) the floor area is not greater than 120 square feet (11 m²); (b) the structure does not exceed 8 feet (2.44 m) in height; (c) the structure has no plumbing or electrical installations or fixtures; and (d) the structure is separated from any other accessory structures by a minimum distance of 6 feet (1.83 m)
4. Retaining walls that are not over 3 feet (914 mm) in height measured from the bottom of footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids.
9. Prefabricated swimming pools, spas, or hot tubs accessory to Group R, Division 3 Occupancy that are less than 24 inches deep (610 mm), are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.

- (4) *Section 105.3 of the California Administration Code is amended to read as follows:*

105.3 Application for permit. Application for a permit to perform the work shall be made in writing to the building official and shall fully describe said work. Plans, engineering calculations, diagrams, and other data, including specifications and schedules, may be required to determine whether the installation as described will be in conformance with the requirements of this Title. If it is found that the installation as described will conform to all legal requirements, and if the applicant has complied with the provisions of this Title, a permit for such installation shall be issued. No deviation may be made from the installation described in the permit and plan without the prior written approval of the building official.

- (5) *Section 105.3.2 of the California Administration Code is amended to read as follows:*

105.3.2 Expiration of plan review. Applications for which no permit is issued within 180 days following the date of filing shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

- (6) *Section 105.5 of the California Administration Code is amended to read as follows:*

105.5 Expiration. Except as set forth in Section 105.5.1, every permit issued

shall expire by limitation and become null and void as follows:

- (i) Every permit issued by the building official under the provisions of this Code shall expire and become null and void unless the work authorized by such permit is commenced within one-hundred-eighty (180) days after permit issuance, and if a successful inspection has not been obtained from the building official within one-hundred-eighty (180) days from the date of permit issuance or the last successful inspection. A successful inspection shall mean a documented passed inspection by the city building inspector as outlined in Section 110.6. The building official may extend the time for action by the applicant in writing for a period not exceeding one-hundred-eighty (180) days beyond the latest expiration limit upon written request by the applicant, filed with the building official prior to expiration of the original permit;
- (ii) In the event of permit expiration and before work for which such permit was required can be commenced or recommenced, a new permit shall first be obtained (hereafter, a "renewal permit"). The applicant must pay all applicable renewal fees, in the amount then established by resolution of the City Council. If a renewal permit is applied for, the building official shall have the discretion to request a site inspection prior to its issuance and a miscellaneous inspection fee shall be paid by the applicant prior to inspection. The inspection fee shall be as specified by resolution of the City Council. In addition, the applicant may be required to resubmit plans and specifications, when deemed necessary by the building official to verify compliance with the building codes, ordinances, regulations, standards, and laws in effect at the time the renewal permit is applied for.
- (iii) Upon issuance of a renewal permit, the building official may allow the applicant to commence or recommence such work from the last successful inspection of record under the original permit. When an expired building permit includes expired sub-permits, activation of the renewal permit shall activate all subsequent expired sub-permits. All work to be performed under a renewal permit must be completed in accordance with the building codes, ordinances, regulations, standards, and laws in effect on the date of issuance of the renewal permit.
- (iv) Demolition permits shall expire by limitation and shall become null and void if the work authorized by such permits is not substantially commenced within 45-days of the date such permit was issued or as otherwise specified by the building official.

(7) *Section 105.5.1 is added to the California Administration Code to read as follows:*

105.5.1 Expiration of permit for unlawful structure. Notwithstanding any provision of Section 105.5, if a building permit was issued in order to bring an un-permitted structure or other unlawful, substandard, or hazardous condition into compliance with any applicable law, ordinance, rule or regulation, such permit shall expire by limitation and become null and void 90 days after the date

on which the permit was issued if all work has not been completed and final inspection approved by the building inspector per Section 110.3.10 prior to the close of the 90 day period. The building official may extend the validity of the permit for a period not exceeding 90 days beyond the initial 90 day limit upon written request by the applicant filed with the building official prior to the expiration date of the original permit. Where a project cannot reasonably be completed within the timeframes listed in this Section, an applicant may request in writing, prior to issuance of permit or prior to expiration of permit, building official approval of a longer period not to exceed 360 days in total, inclusive of all available extensions.

(8) *Section 105.8 is added to the California Administration Code to read as follows:*

105.8 Qualifications of permittee. No person shall be issued a permit under this Chapter until evidence of a valid California Contractor's License and Workers' Compensation Insurance is presented to the building official.

EXCEPTION: Owner-builder permit may be issued for specified occupancies in accordance with California law.

(9) *Section 109.1 of the California Administration Code is amended to read as follows:*

109.1 Permit fees. The fees required in this Chapter shall be paid to the Building Official for all work for which a permit is required by this Title.

(10) *Section 109.4 of the California Administration Code is amended to read as follows:*

109.4 Work commencing before permit issuance. Failure to obtain a permit and to pay fees therefore before commencing work shall be deemed evidence of violation of the provisions of this Chapter. A penalty, as established by resolution of the City Council, shall be assessed for work commenced before a permit is issued. Whenever any work for which a permit is required under the provisions of this Chapter has been commenced without the authorization, a special investigation may be required before a permit will be issued for any such work. In addition to any regular permit fee and/or any penalty fee, the said investigation fee shall be collected as established by resolution of the City Council.

(11) *Section 109.6 of the California Administration Code is amended to read as follows:*

109.6 Fee refunds. The building official shall collect such fees as are required to be paid by this Chapter and shall make no refund of fees paid except in accordance the provisions of this Section and in no event after one hundred eighty (180) days have elapsed from the date of the issuance of the permit. All requests for refund of fees paid shall be made in writing to the building official and shall be made in accordance with the procedures and refund schedule established by resolution of the City Council.

- (12) *Section 109.7 is added to the California Administration Code read as follows:*

109.7 Plan review fees. When a plan or other data is required to be submitted for review and approval by the building official pursuant to this Chapter, a plan review fee shall be paid at the time of submittal of such plan or other data. Said plan review and recheck fees shall be established, and may be amended from time to time, by resolution of the City Council.

- (13) *Section 110.3.4.1 is added to the California Administration Code to read as follows:*

110.3.4.1 Accessibility rough inspection. Accessibility rough inspections shall be made at the same time with rough frame inspections outlined in Section 110.3.4. Framing shall be verified for accessible dimensions and site access features shall be prepared, non-accessible features demolished, and measurements verified for installation of curb ramps, slope of surfaces, future concrete or asphalt installation, signage locations prepared, discrepancies between plans and site conditions resolved, and any other accessible features as determined by the building official.

- (14) *Section 113.1 of the California Administration Code is amended to read as follows:*

113.1 Appeals. A decision of the building official regarding the interpretation or implementation of any provision of this Chapter or the Code adopted hereby shall be final and shall become effective forthwith upon the service of the decision by the building official, in writing, upon the permittee. For the purposes of this section, service upon the permittee shall mean either personal delivery or placement in the United States Mail, postage prepaid, and addressed to the permittee at his last known business address; provided, however, that the permittee may, within ten (10) days after the effective date of the decision of the building official, file an appeal with the City Clerk, in writing, specifying the reason or reasons for the appeal and requesting that the Board of Appeals review the decision of the building official.

- (15) *Section 113.3 of the California Administration Code is amended to read as follows:*

113.3 Board of Appeals. The City Council shall act as the Board of Appeals in making a final determination of any appeal filed in accordance with the provisions of Section 113.1. The City Clerk shall schedule a hearing on the appeal at reasonable times at the convenience of the Board of Appeals, but not later than thirty (30) days after receipt of the written appeal. The permittee may appear in person before the Board or be represented by an attorney and may introduce evidence to support his claim. The building official shall transmit to the Board all records, papers, documents, and other materials in support of his decision and shall provide a copy thereof to the permittee appealing the decision of the building official. The permittee appealing the decision of the building official shall cause, at his own expense, any tests or research required

by the Board to substantiate his claim to be performed or otherwise carried out. The Board may continue such appeal hearing from time to time as deemed necessary by the Board. The Board may, by resolution, affirm, reverse or modify in whole or in part, any appealed decision, determination, or interpretation of the building official. A copy of the resolution adopted by the Board shall be mailed to the permittee and the Board's decision shall be final upon the mailing, by United States Mail, postage prepaid, to the permittee's last known address of record.

The determination of value or valuation under any of the provisions of this Chapter shall be made by the building official whose determination shall be final. The value is to be utilized in computing the permit and plan review fees established pursuant to this Chapter shall be the total value of all work for which the permit is issued including, by way of illustration and not by limitation, construction and finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems, and all other permanent equipment.

Sec. 15.00.130. Penalties for violation of division.

It shall be unlawful for any person, firm, partnership, or corporation to violate any provision, or to fail to comply with any of the requirements, of this Division. Any person, firm, partnership, or corporation violating any provision of this Division or failing to comply with their requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment not exceeding six (6) months or by both such fine and imprisonment. Each such person, firm, partnership, or corporation shall be deemed guilty of a separate offense for each and every day or any portion thereof during which any violation of any of the provisions of this Division or the Codes adopted hereby is committed, continued or permitted by such person, firm, partnership, or corporation, and shall be deemed punishable therefore as provided in this Division.

Secs. 15.00.140 – 15.00.300. Reserved.

SECTION 3: Title 15 (Building and Construction Safety), Chapter 15.00, Division 3. Building Code is hereby deleted in its entirety and replaced to read as follows:

DIVISION 3. - BUILDING CODE

- Sec. 15.00.310. California Building Code – Adopted.
- Sec. 15.00.320. Amendments to the California Building Code.
- Sec. 15.00.330. Penalties for violation of division.

Sec. 15.00.310. California Building Code – Adopted.

Except as amended by Section 15.00.320, the 2013 California Building Code (Part 2 of Title 24 of the California Code of Regulations), and Appendices C (Group U-

Agricultural Buildings), I (Patio Covers), and J (Grading) thereto, based on the 2012 International Building Code published by the International Code Council, is hereby adopted and incorporated herein by reference as though fully set forth in this Division and shall constitute the Building Code of the City. A copy of such Code has been deposited in the office of the City Clerk and shall be, at all times, maintained by the City Clerk for use and examination by the public.

Sec. 15.00.320. Amendments to the California Building Code.

(1) Section 1505.1 of the California Building Code is amended to read as follows:

1505.1 Roof covering requirements. The roof covering or roofing assembly on any structure regulated by this Code shall as specified in Table 1505.1 and as classified in Sections 1505.2 to 1505.8. Roofing shall be secured or fastened to the supporting roof construction and shall provide weather protection for the building at the roof.

(2) Section 1505.1.1 of the California Building Code is amended to read as follows:

1505.1.1 Roof coverings within high fire hazard severity zones. Unless governed by more stringent requirements of this Code, buildings within any area designated as a Very-High Fire Hazard Zone shall have a fire-retardant roof covering that is at least a Class A, as specified below:

- (i) Section 1505.1.1 is applicable to the entire roof covering of new buildings, to the entire roof covering of existing buildings where twenty-five percent (25%) or more of the roof area is replaced within any one-year period, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure.
- (ii) The installer of the roof covering shall provide certification of the roof covering classification to the building owner and, when requested, to the inspection authority having jurisdiction.

(3) Section 1505.1.3 of the California Building Code is amended to read as follows:

1505.1.3 Roof coverings within all other areas. The entire roof covering of every existing structure where more than 25 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class C.

(4) Section 1612.1.1 is added to the California Building Code to read as follows:

1612.1.1 Flood hazard. Buildings are not permitted in an area determined by the City Engineer to be subject to flood hazard by reason of inundation, overflow, or erosion.

The placement of the building and other structures (including walls and fences)

on the building site shall be such that water or mud flow will not be a hazard to the building or adjacent property.

EXCEPTION: This prohibition shall not apply when provision is made to eliminate such flood hazard to the satisfaction of the City Engineer by providing adequate drainage facilities, by protective walls, suitable fill, raising the floor level of the building, a combination of these methods, or by other means.

(5) *Section 1801.3 is added to the California Building Code to read as follows:*

Section 1801.3 Seismic hazard zone maps. Special studies zones maps within the City of Diamond Bar prepared under Sections 2622 and 2623 of the California Public Resources Code which show traces of earthquake faults are hereby declared to be, on the date of official issue, a part of this Code, and may be referred to elsewhere in this Code. Special studies zones maps revised under the above Sections of the California Public Resources Code shall, on the date of their official issue, supersede previously issued maps which they replace.

Copies of each of the above maps shall be available for examination by the public at the Department of Public Works, Department of Community Development, and the Office of the City Clerk.

(6) *Section 1803.1 of the California Building Code is amended by the addition of a second paragraph to read as follows:*

The City Engineer in the case of an application for a grading permit or if the Building Official determines necessary, may require an engineering geology or geotechnical engineering report, or both, where in his opinion such reports are essential for the evaluation of the safety of the site. The engineering geology or geotechnical engineering report or both shall contain a finding regarding the safety of the building site for the proposed structure against hazard from landslide, settlement or slippage and a finding regarding the effect that the proposed building or grading construction will have on the geologic stability of property outside of the building site. Any engineering geology report shall be prepared by a certified engineering geologist licensed by the State of California. Any geotechnical engineering report shall be prepared by a civil engineer qualified to perform this work, such as a geotechnical engineer experienced in soil mechanics. When both an engineering geology and geotechnical engineering report are required for the evaluation of the safety of a building site, the two reports shall be coordinated before submission to the City Engineer and/or Building Official. Any finding regarding the safety of the building site and the effect that the proposed building or grading construction will have on the geologic stability of property outside of the building site must be substantiated with sufficient data and analyzed in a manner consistent with the current industry standard of care and must be concurred with by the City Engineer and/or Building Official who may rely on the opinion of independent geotechnical reviewers.

(7) *Section 1803.8 is added to the California Building Code to read as follows:*

1803.8 Geologic hazards. No building or grading permit shall be issued under the provisions of this Section 1803 when the City Engineer finds that property outside the site of the proposed work could be damaged by activation or acceleration of a geologically hazardous condition and such activation or acceleration could be attributed to the proposed work on, or, change in use of, the site for which the permit is requested. For the purpose of this Section, geologically hazardous condition does not include surface displacement due to earthquake faults.

(8) *Section 1803.8.1 is added to the California Building Code to read as follows:*

1803.8.1 Work requiring a building or grading permit by this Code is not permitted in an area determined by the City Engineer to be subject to hazard from landslide, settlement, or slippage. These hazards include those from loose debris, slope wash and the potential for mud flows from natural slopes or graded slopes. For the purposes of this Section, landslide, settlement, or slippage does not include surface displacement due to earthquake faults.

(9) *Section 1803.8.2 is added to the California Building Code to read as follows:*

1803.8.2 Subject to the conditions of Section 1803.8, permits may be issued in the following cases:

- (i) When the applicant has submitted an engineering, geology and/or geotechnical engineering report or reports complying with the policies and provisions of City Engineer which report or reports show that the hazard will be eliminated prior to the use or occupancy of the land or structures by modification of topography, reduction of subsurface water, buttressing, a combination of these methods, or by other means.
- (ii) When the applicant has submitted an engineering geology and/ geotechnical engineering report or reports complying with the policies and provisions of the City Engineer which report or reports contain sufficient data to show that the site appears to be in no danger for the intended use.

(10) *Section 1809.4 of the California Building Code is amended to read as follows:*

1809.4 Foundations on expansive soil. Unless otherwise specified by a registered geotechnical engineer, foundation systems within the City of Diamond Bar are considered to be on expansive soil and shall be constructed in a manner that will minimize damage to the structure from movement of the soil. Slab-on-grade and mat-type footings for buildings located on expansive soils may be designed in accordance with the provisions of Section 1808.6.2 or such other engineering design based upon geotechnical recommendation as approved by the Building Official. Where such an approved method of construction is not provided, foundations and floor slabs shall comply with the following requirements:

- (i) Depth of foundations below the natural and finish grades shall be not less than 24 inches for exterior and 18 inches for interior foundations.
 - (ii) Exterior walls and interior bearing walls shall be supported on continuous foundation.
 - (iii) Foundations shall be reinforced with at least two continuous one-half-inch diameter deformed reinforcing bars top and bottom. Two bars shall be placed within four inches of the bottom of the foundation and two within four inches of the top of the foundation.
 - (iv) Concrete floor slabs on grade shall be cast on a four-inch fill of coarse aggregate or on a moisture barrier membrane. The slabs shall be at least three and one-half inches thick and shall be reinforced with welded wire mesh or deformed reinforcing bars. Welded wire mesh shall have a cross-sectional area of not less than five-hundredths square inch per foot each way. Reinforcing bars shall have a diameter of not less than three-eighths inch and be spaced at intervals not exceeding 24 inches each way.
 - (v) The soil below an interior concrete slab shall be saturated with moisture to a depth of 18 inches prior to casting the concrete.
- (11) *Section 3109.4.1 of the California Building Code is amended to read as follows:*
- 3109.4.1 Barrier Height and clearances.** The top of the barrier shall be not less than 60 inches (1524 mm) above grade measured on the side of the barrier that faces away from the swimming pool. The vertical clearance between grade and the bottom of the barrier shall be not greater than 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, and the vertical clearance between the top of the pool structure and the bottom of the barrier shall be not greater than 4 inches (102 mm).
- (12) *Section J101.3 is added to Appendix J of the California Building Code to read as follows:*
- J101.3 Hazardous conditions.** Whenever the City Engineer determines that any existing excavation, embankment or fill has become a hazard to life and limb, or endangers property, structures, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation, embankment or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the City Engineer shall within the period specified therein repair, reconstruct or remove such excavation, embankment or fill so as to eliminate the hazard in conformance with the requirements of this Code.
- (13) *Section J101.4 is added to Appendix J of the California Building Code to read*

as follows:

J101.4 Maintenance of protective devices and rodent control. The owner of any property on which grading has been performed pursuant to a permit issued under the provisions of this Code, or any other person or agent in control of such property, shall maintain in good condition and repair all drainage structures and other protective devices and burrowing rodent control when shown on the grading plans filed with the application for grading permit and approved as a condition precedent to issuance of such permit.

- (14) *Section J101.5 is added to Appendix J of the California Building Code to read as follows:*

J101.5 Correlation with other sections. The provisions of this chapter are independent of the provisions of Division 9, Building and Property Rehabilitation Code of Title 15 of the Diamond Bar City Code.

- (15) *Section J102.1 of Appendix J of the California Building Code is revised by adding the following definitions:*

BUILDING OFFICIAL. Whenever in Appendix J the term "Building Official" is used, said term shall mean, and all powers and duties to be exercised by the Building Official shall be vested in, the City Engineer of the City of Diamond Bar except in Sections 106 and 112 of Appendix J respectively.

BUILDING CODE OFFICIAL. Whenever in Appendix J the term "Building Code Official" is used, said term shall mean, and all powers and duties to be exercised by the Building Official shall be vested in, the City Engineer of the City of Diamond Bar except in Sections 106 and 112 of Appendix J respectively.

CIVIL ENGINEER. A professional engineer registered in the State of California to practice in the field of civil engineering works.

CIVIL ENGINEERING. The application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil engineering works.

DESIGN ENGINEER. The Civil Engineer responsible for the preparation of the grading plans for the site grading work.

ENGINEERING GEOLOGIST. Shall mean a person experienced and knowledgeable in engineering geology and holding a valid certificate of registration as a geologist issued by the State of California.

GEOTECHNICAL ENGINEER. See "Soils Engineer."

GEOTECHNICAL HAZARD. An adverse condition due to landslide, settlement, and/or slippage. These hazards include but are not limited to loose debris, slopewash, and mud flows from natural or graded slopes.

LANDSCAPE ARCHITECT. A person holding a valid certificate of registration as a landscape architect issued by the State of California.

SOILS ENGINEER (GEOTECHNICAL ENGINEER). A civil engineer experienced and knowledgeable in the practice of soils (geotechnical) engineering and holding a valid certificate of registration as a soils (geotechnical) engineer issued by the State of California.

SOILS ENGINEERING (GEOTECHNICAL ENGINEERING). The application of the principals of soils mechanics in the investigation, evaluation, and design of civil engineering works involving the use of earth materials and the inspection or testing of construction thereof.

- (16) *Section J103.1 of Appendix J of the California Building Code is amended to read as follows:*

J103.1 Permits required. Except as exempted in Section J103.2, no person shall do any grading without first obtaining a grading permit from the City Engineer. A separate permit shall be required for each site, and may cover both excavations and fills, except that a grading permit may be issued for a site to include incidental minor work outside the site on contiguous property, provided that the owner of such contiguous property has filed with the City Engineer written consent to the work. Such consent shall include a statement that the owner will irrigate and maintain planted slopes and maintain drains located within his property and the owner will hold the City of Diamond Bar free and clear of any liability for damages to the proposed work. A grading permit does not include the construction of retaining walls or other structures.

- (17) *Section J103.3 is added to Appendix J of the California Building Code to read as follows:*

J103.3 Other permits required and jurisdiction of other agencies.

J103.3.1 Other permits required. Permits issued under the provisions of Appendix J convey no right to erect any foundation, structure or building, or construct any swimming pool, spa or hot tub, or do any plumbing work, or do any electrical work. Regular foundation, structure or building; swimming pool, spa or hot tub; plumbing; electrical or other permits shall be secured for all such work.

J103.3.2 Jurisdiction of other agencies. Permits issued under the provisions of Appendix J shall not relieve the owner of the responsibility for securing permits, licenses or approvals that may be required from other departments or divisions of the governing agencies.

- (18) *Section J103.4 is added to Appendix J of the California Building Code to read as follows:*

J103.4 Grading designation. Grading involving any fill intended to support structures, or grading for the development of more than one lot or parcel, or

grading in excess of 50 cubic yards, or grading which includes excavation or fill in excess of 5 feet in depth or height shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as "engineered grading". All other grading shall be designated as "regular grading" unless the permittee chooses to have the grading performed as "engineered grading" or unless the City Engineer determines that special conditions or unusual hazards exist, in which case grading shall be designated as and conform to the requirements of "engineered grading".

- (19) *Section J104.5 is added to Appendix J of the California Building Code to read as follows:*

J104.5 Issuance. The provisions of Section 105.3 of *Chapter 1*, of the California Building Code as duly adopted, are applicable to grading permits. The City Engineer may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

The City Engineer may require professional inspection and testing by the soils engineer. When the City Engineer has cause to believe that geologic factors may be involved, the grading will be required to conform to "engineered grading".

The City Engineer may require bonds in such form and amounts as may be deemed necessary to ensure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions.

In lieu of a surety bond, the applicant may file a cash bond or instrument of credit with the City Engineer in an amount equal to that which would be required in the surety bond.

- (20) *Section J104.6 is added to Appendix J of the California Building Code to read as follows:*

J104.6 Denial of permit.

J104.6.1 Flood and geologic hazards. The City Engineer shall not issue a grading permit in any case where he finds that the work, as proposed by the applicant, is likely to adversely affect the stability of adjoining property or result in the deposition of debris on any public way or interfere with any existing drainage course or be in any area determined to be subject to flood or geologic hazard under provisions of Section 117 of *Chapter 1* of the 2013 California Building Code, as duly adopted and amended.

EXCEPTION 1: This prohibition shall not apply when provision is made to eliminate such flood or geologic hazard to the satisfaction of the City Engineer under the provisions of Section 116 of *Chapter 1* of the 2013 California Building Code, as duly adopted and amended.

EXCEPTION 2: This prohibition shall not apply when grading work in an existing drainage course and is designed to meet all requirements for grading in drainage courses under the City's Hillside Management Ordinance and provision is made to the satisfaction of the City Engineer to adequately collect, convey and discharge flows through the project without increasing erosion or deposition of debris or adversely affecting upstream or downstream properties.

104.6.2 Land use. The City Engineer shall not issue a grading permit for any work on the site unless the proposed uses shown on the grading plan for the site will comply with the provisions of the Zoning Code Ordinance of the City of Diamond Bar.

- (21) *Section J104.7 is added to Appendix J of the California Building Code to read as follows:*

J104.7 Import and export of earth materials in excess of 10,000 cubic yards.

J104.7.1 Transport over public maintained streets. In addition to other provisions of this Code, the following requirements shall apply when earth materials in excess of 10,000 cubic yards are to be exported from or imported to a grading site by transporting such materials over a publicly maintained street.

(i) The point of access to the public street shall be located as approved by the City Engineer.

(ii) Special safety precautions, including, but not limited to, the access road approach grade and alignment to the public street, sight distance at the intersection with the public street and traffic control devices may be required by the City Engineer.

J104.7.2 Zoning ordinance compliance. No grading permit shall be issued for the import or export of more than 10,000 cubic yards of earth material to or from a grading site where such work would be classified as an "off-site transport grading project" as defined in Title 22 of the Diamond Bar Municipal Code, entitled "Development Code", unless the project is in conformance with Title 22.

- (22) *Section J105.3 is added to Appendix J of the California Building Code to read as follows:*

J105.3 Transfer of responsibility. If the civil engineer, the soils engineer, or the engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility in the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the City Engineer in writing of such change prior to the recommencement of such grading.

- (23) *Section J109.5 is added to Appendix J of the California Building Code to read as follows:*

J109.5 Overflow protection. Berms, swales or other devices shall be provided at the top of cut or fill slopes steeper than five horizontal to one vertical to prevent surface waters from overflowing onto and damaging the face of the slope. Gutters or other special drainage controls shall be provided where the proximity of runoff from buildings or other structures is such as to pose a potential hazard to slope integrity.

- (24) *Section J110.3 is added to Appendix J of the California Building Code to read as follows:*

J110.3 Temporary erosion control precautions. Grading operations shall be planned to avoid the rainy season, October 15 through April 15 of the following calendar year. Grading permits shall only be issued when a plan for erosion control and silt retention has been approved by the City Engineer.

J110.3.1 The City Engineer shall not issue a grading permit for any work to be commenced between October 15 of any year and April 15 of the following calendar year, unless detail plans for such work include the details of protective measures, including desilting basins or other temporary drainage control measures, or both, as may be necessary to protect the adjoining public and private property from damage by erosion, flooding or deposition of debris which may originate from the site or result from such grading operations.

All protective measures shall be installed before grading is begun.

All erosion control measures shall comply with any adopted National Pollutant Discharge Elimination System (NPDES) policies and standards of the City.

J110.3.2 Where a grading permit is issued and grading work commenced after April 15 and before October 15 of any year and the plans for such work do not include details of the protective measures described in J110.3a, and it appears that the grading and installation of the permanent drainage devices as authorized by the permit will not be completed by October 15, then, on or before October 15 the owner of the site on which the grading is being performed shall file or cause to be filed with the City Engineer revised detail plans which include details of the protective measures described in, and in all other respects follow, the provisions of J110.3a.

J110.3.3 Effect of noncompliance. Should the owner fail to submit detail plans or to provide the protective measures required by Sections J110.3a and J110.3b by the date specified therein, it shall be deemed that a default has occurred under the conditions of the grading permit security. Thereupon the City Engineer may enter the property for the purpose of installing, by City forces or other means, the drainage and

erosion control devices shown on the approved detail plans, or if there are no approved detail plans, as may be deemed necessary to protect adjoining property from storm damage, or the City Engineer may cause the owner of the site to be prosecuted as a violator of this Code, or he may take both actions.

- (25) *Section J110.4 is added to Appendix J of the California Building Code to read as follows:*

J110.4 Permanent erosion control.

J110.4.1 Planting and irrigation. The surface of all manufactured slopes shall be protected against damage by erosion by the installation of a permanent irrigation system and planting with ground cover, shrubs and/or trees which provide satisfactory long term erosion control. Planting and plant materials shall be specified and installed in accordance with the Hillside Management Ordinance of the City of Diamond Bar. The irrigation system shall provide adequate coverage and the proper application rate to maintain the appropriate moisture for the establishment and proper growth of the plantings installed, but the irrigation shall not saturate the slopes or cause erosion.

J110.4.2 Planting and irrigation plans and specifications. For grading which includes cut slopes more than 5 feet in height; or fill slopes supporting structures of more than 3 feet in height; or natural slopes disturbed more than 10 feet in surficial extent by the grading operations planting and irrigation plans and specifications shall be submitted for approval of the City Engineer and/or the Community Development Director. For all manufactured slopes more than 20 feet in height or natural slopes disturbed more than 20 feet in surficial extent by grading operations plans shall be prepared and signed by a civil engineer or landscape architect.

J110.4.3 Rodent control. All manufactured slopes steeper than four horizontal to one vertical within a grading project adjacent to undeveloped or unoccupied land shall be protected from potential slope damage by a preventative program of burrowing rodent control.

J110.4.4 Release of security. The planting and irrigation systems required by this Section shall be installed as soon as practical after rough grading. Prior to final approval of grading and before the release of grading security, the planting shall be well established and growing on the slopes and, where required by Section J110.4.c, there shall be evidence of an effective rodent control program.

- (26) *Section J113 is added to Appendix J of the California Building Code to read as follows:*

J113 Completion of work.

J113.1 Final reports. Upon completion of the rough grading work and at the final completion of the work, the following reports and drawings and supplements thereto are required for engineering grading or when professional inspection is performed for regular grading, as applicable.

- (i) An as-built grading plan prepared by the licensed civil engineer retained to provide such services showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and of the outlets of subsurface drains. As-constructed locations, elevations and details of subsurface drains shall be shown as reported by the soils engineer.

Civil engineers shall state that to the best of their knowledge work within their area of responsibility was done in accordance with the final approved grading plan.

- (ii) A report prepared by the licensed soils engineer retained to provide such services including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the approved soils engineering investigation report. Soils engineers shall submit a statement that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions of this Chapter.

- (iii) A report prepared by the licensed engineering geologist retained to provide such services including a final description of the geology of the site and any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan: Engineering geologists shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in accordance with the approved engineering geologist report and applicable provisions of this Chapter.

J113.2 Notification of completion. The permittee shall notify the City Engineer when the grading operation is ready for final inspection. Final approval shall not be given until all work including installation of all drainage facilities and their protective devices, and all erosion-control measures have been completed in accordance with the final approved grading plan, and the required reports have been submitted

Sec. 15.00.330. Penalties for violation of division

It shall be unlawful for any person, firm, partnership, or corporation to violate any provision, or to fail to comply with any of the requirements, of this Division. Any

person, firm, partnership, or corporation violating any provision of this Division or failing to comply with their requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment not exceeding six (6) months or by both such fine and imprisonment. Each such person, firm, partnership, or corporation shall be deemed guilty of a separate offense for each and every day or any portion thereof during which any violation of any of the provisions of this Division or the Codes adopted hereby is committed, continued or permitted by such person, firm, partnership, or corporation, and shall be deemed punishable therefor as provided in this Division.

SECTION 4: Title 15 (Building and Construction Safety), Chapter 15.00, Division 4. Mechanical Code is hereby deleted in its entirety and replaced to read as follows:

DIVISION 4. - MECHANICAL CODE

- Sec. 15.00.510. California Mechanical Code – Adopted.
- Sec. 15.00.520. Amendments to the California Mechanical Code.
- Sec. 15.00.530. Penalties for violation of division.

Sec. 15.00.510. California Mechanical Code – Adopted.

Except as amended by Section 15.00.520, the 2013 California Mechanical Code (Part 4 of Title 24 of the California Code of Regulations) and the appendices thereto, based on the 2012 Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials, is hereby adopted and incorporated herein by reference as though fully set forth in this Division and shall constitute the Mechanical Code of the City. A copy of such Code has been deposited in the office of the City Clerk and shall be, at all times, maintained by the Clerk for use and examination by the public.

Sec. 15.00.520. Amendments to the California Mechanical Code

(1) Section 101.4 is added to the California Mechanical Code to read as follows:

101.4 Conflicts with Administration Code. Where conflicts between Chapter 1, Division II of this Mechanical Code and the Administration Code occur, the Administration Code shall prevail. The purpose of Chapter 1 Division II of the Mechanical Code is to supplement the Administration Code.

(2) Section 108.0 of the California Mechanical Code is amended to read as follows:

108.0 Board of Appeals. Refer to Administration Code Section 113.

(3) Section 114.0 of the California Mechanical Code is amended to read as follows:

114.0 Fees. Refer to Administration Code Section 109.

Sec. 15.00.530. Penalties for violation of division.

It shall be unlawful for any person, firm, partnership, or corporation to violate any provision, or to fail to comply with any of the requirements, of this Division. Any person, firm, partnership, or corporation violating any provision of this Division or failing to comply with their requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment not exceeding six (6) months or by both such fine and imprisonment. Each such person, firm, partnership, or corporation shall be deemed guilty of a separate offense for each and every day or any portion thereof during which any violation of any of the provisions of this Division or the Codes adopted is hereby committed, continued or permitted by such person, firm, partnership, or corporation, and shall be deemed punishable therefor as provided in this Division.

SECTION 5: Title 15 (Building and Construction Safety), Chapter 15.00, Division 5. Plumbing Code is hereby deleted in its entirety and replaced to read as follows:

DIVISION 5. - PLUMBING CODE

- Sec. 15.00.710. California Plumbing Code – Adopted.
- Sec. 15.00.720. Amendments to the California Plumbing Code.
- Sec. 15.00.730. Penalties for violation of division.

Sec. 15.00.710. California Plumbing Code – Adopted.

Except as amended by Section 15.00.720, the 2013 California Plumbing Code (Part 5 of Title 24 of the California Code of Regulations) and the appendices thereto, based on the 2012 Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials, is hereby adopted and incorporated herein by reference as though fully set forth in this Division and shall constitute the Plumbing Code of the City. A copy of such Code has been deposited in the office of the City Clerk and shall be, at all times maintained by the City Clerk for use and examination by the public.

Sec. 15.00.720. Amendments to the California Plumbing Code.

(1) Section 101.4.1 is added to the California Plumbing Code to read as follows:

101.4.1 Conflicts with Administration Code. Where conflicts between Chapter 1, Division II of this Plumbing Code and the Administration Code occur, the Administration Code will prevail. The purpose of Chapter 1, Division II of the Plumbing Code is to supplement the Administration.

(2) Section 103.4 of the California Plumbing Code is amended to read as follows:

103.4 Fees. Refer to Administration Code Section 109.

(3) Section 722.6 is added to the California Plumbing Code to read as follows:

722.6 No such excavation shall be left unattended at any time unless the permittee shall have first provided a suitable and adequate barricade to assure

public safety.

Sec. 15.00.730. Penalties for violation of division.

It shall be unlawful for any person, firm, partnership, or corporation to violate any provision, or to fail to comply with any of the requirements, of this Division. Any person, firm, partnership, or corporation violating any provision of this Division or failing to comply with their requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment not exceeding six (6) months or by both such fine and imprisonment. Each such person, firm, partnership, or corporation shall be deemed guilty of a separate offense for each and every day or any portion thereof during which any violation of any of the provisions of this Division or the Codes adopted hereby is committed, continued or permitted by such person, firm, partnership, or corporation, and shall be deemed punishable therefor as provided in this Division.

SECTION 6: Title 15 (Building and Construction Safety), Chapter 15.00, Division 6. Electrical Code is hereby deleted in its entirety and replaced to read as follows:

DIVISION 6. - ELECTRICAL CODE

- Sec. 15.00.710. California Electrical Code – Adopted.
- Sec. 15.00.720. Amendments to the California Electrical Code.
- Sec. 15.00.730. Penalties for violation of division.
- Secs. 15.00.140. – 15.00.300. Reserved.

Sec. 15.00.910. California Electrical Code – Adopted.

Except as amended by Section 15.00.920, the 2013 California Electrical Code (Part 3 of Title 24 of the California Code of Regulations), including the appendices thereto, based on the 2011 National Electrical Code published by the National Fire Protection Association, is hereby adopted and incorporated herein by reference as though fully set forth in this Division and shall constitute the Electrical Code of the City. A copy of such Code has been deposited in the office of the City Clerk and shall be, at all times, maintained by the Clerk for use and examination by the public.

Sec. 15.00.920. Amendments to the California Electrical Code.

(1) Section 89.101.7.4 is added to the California Electrical Code to read as follows:

89.101.7.4 Conflicts with Administration Code. Where conflicts between Article 89 of this Electrical Code and the Administration Code occur, the Administration Code shall prevail. The purpose of Article 89 of the Electrical Code is to supplement the Administration Code.

(2) Section 89.108.4.2 of the California Electrical Code is amended to read as follows:

89.108.4.2 Fees. Refer to Administration Code Section 109.

(3) *Section 89.108.8 of the California Electrical Code is amended to read as follows:*

89.108.8 Appeals Board. Refer to Administration Code Section 113.

(4) *Section 590.3(B) of the California Electrical Code is amended to read as follows:*

590.3(B) 30 Days. Temporary electrical power and lighting installations shall be permitted for a period not to exceed 30 days for holiday decorative lighting and similar purposes.

Sec. 15.00.930 Penalties for violation of division.

It shall be unlawful for any person, firm, partnership, or corporation to violate any provision, or to fail to comply with any of the requirements, of this Division. Any person, firm, partnership, or corporation violating any provision of this Division or failing to comply with their requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment not exceeding six (6) months or by both such fine and imprisonment. Each such person, firm, partnership, or corporation shall be deemed guilty of a separate offense for each and every day or any portion thereof during which any violation of any of the provisions of this Division or the Codes adopted hereby is committed, continued or permitted by such person, firm, partnership, or corporation, and shall be deemed punishable therefor as provided in this Division.

SECTION 7: Title 15 (Building and Construction Safety), Chapter 15.00, Division 12. Residential Code is hereby deleted in its entirety and replaced to read as follows:

DIVISION 12. – RESIDENTIAL CODE

Sec. 15.00.3210. California Residential Code – Adopted.

Sec. 15.00.3220. Amendments to the California Residential Code.

Sec. 15.00.3230. Penalties for violation of division.

Sec. 15.00.3210. California Residential Code – Adopted.

Except as otherwise provided by this Title, Sections 102 to 116 of the Administration Code, Section 1207 of Chapter 12, Chapter 34, and Appendix J of the 2013 California Building Code (Part 2 of Title 24 of the California Code of Regulations) are hereby adopted and incorporated herein by reference as though fully set forth in this Division, and shall be known as Sections 102 to 116 of Chapter 1, Section 1207 of Chapter 12, Chapter 34, and Appendix J of the 2013 California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations).

Except as amended by Section 15.00.3220, the 2013 California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations), and Appendices G (Swimming Pools, Spas and Hot Tubs), H (Patio Covers), J (Existing Buildings and Structures), K (Sound Transmission), and O (Automatic Vehicular Gates) thereto, based on the 2012 International Building Code published by the International Code Council, is hereby adopted and incorporated herein by reference as though fully set forth in this Division

and shall constitute the Building Code of the City. A copy of such Code has been deposited in the office of the City Clerk and shall be, at all times, maintained by the City Clerk for use and examination by the public.

Sec. 15.00.3220. Amendments to the California Residential Code.

- (1) *Section R301.1.3.2 of the California Residential Code is amended to read as follows:*

R301.1.3.2 Woodframe structures. The building official shall require construction documents to be approved and stamped by a California licensed architect or engineer for all dwellings of woodframe construction more than two stories and basement in height located in Seismic Design Category A, B or C. Notwithstanding other sections, the law establishing these provisions is found in Business and Professions Code sections 5537 and 6737.1.

The building official shall require construction documents to be approved and stamped by a California licensed architect or engineer for all dwellings of wood frame construction more than one story in height or with a basement located in Seismic Design Category D0, D1, or D2.

- (2) *Sections R313.1 and R313.2 of the California Residential Code are revised by amending the exception to these two Sections to read as follows:*

Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential fire sprinkler system unless the addition or alteration affects more than 90% of an existing structure located within a Very High Fire Hazard Severity Zone. In that instance, modifications to more than 90% of the existing structure shall be considered a new structure and shall require the installation of an automatic residential fire sprinkler system and meet Fire Zone requirements.

- (3) *Section R327.1.3 of the California Residential Code is amended to restate exemption 4 as follows:*

4. Additions to and remodels of buildings originally constructed prior to the applicable application date that do not affect more than 90% of the existing structure. Modifications to more than 90% of the existing structure shall be considered a new structure.

- (4) *Section R327.2 of the California Residential Code is revised by adding a third paragraph to the definition of "FIRE HAZARD SEVERITY ZONES" to read as follows:*

The City Council hereby designates Very High Fire Hazard Severity Zones as recommended by the Director of the California Department of Forestry and Fire Protection (Cal Fire) and as designated on a map titled Very High Fire Hazard Severity Zones in Local Responsibility Area (LRA) for Diamond Bar by Cal Fire - Fire and Resource Assessment Program (FRAP), dated February 2011 and

retained on file at the office of the Building Official.

- (5) *Section R332 is added to the California Residential Code to read as follows:*

R332 Structural Tests and Inspections. Structural test and inspection requirements which are omitted from the California Residential Code are intended to refer to the California Building Code.

When structural tests and special inspections are required due to the methods of construction the tests and inspections shall be performed and documented as required in Chapter 17 of the California Building Code.

- (6) *Section R333 is added to the California Residential Code to read as follows:*

R333 Pool Barrier Requirements. Pool barrier criteria are not explicitly located within the California Residential Code and are intended to refer to the California Building Code.

Where any body of water over 18" occurs, refer to California Building Code Section 3109 for pool barrier requirements.

- (7) *Section R334 is added to the California Residential Code to read as follows:*

R334 Sound Transmission Control. Criteria for sound transmission control between dwelling units and outside noise shall be as provided in the California Building Code. Refer to Section 1207 of the California Building Code for criteria where sound transmission applies.

- (8) *Section R403.1.4.1 of the California Residential Code is amended to read as follows:*

R403.1.4.1 Foundations on Expansive Soil. Unless otherwise specified by a registered geotechnical engineer, foundation systems within the City of Diamond Bar are considered to be on expansive soil and shall be constructed in a manner that will minimize damage to the structure from movement of the soil. See Building Code Section 1809.4 for requirements.

- (9) *Section R602.10 of the California Residential Code is amended by the addition of an exception to read as follows:*

R602.10 Wall bracing.

EXCEPTION: Construction documents shall be designed in accordance with engineered design by a California licensed architect or engineer per the California Building Code for dwellings of wood frame construction more than one story.

- (10) *Section R602.10.8, paragraph 1, of the California Residential Code is amended to read as follows:*

R602.10.8 Braced wall panel connections.

1. Parallel rafters or roof trusses shall be attached to the top plates of braced wall panels through solid blocking and framing anchors or equal each bay. No gaps or voids from the roof sheathing through the entire connection shall occur.

- (11) *Section AG105.2(1) of Appendix G of the California Residential Code is amended to read as follows:*

AG105.2(1) Pool Barriers. Refer to Building Code Section 3109.4.1 for pool barrier requirements.

Sec. 15.00.3230 Penalties for violation of division.

It shall be unlawful for any person, firm, partnership, or corporation to violate any provision, or to fail to comply with any of the requirements, of this Division. Any person, firm, partnership, or corporation violating any provision of this Division or failing to comply with their requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment not exceeding six (6) months or by both such fine and imprisonment. Each such person, firm, partnership, or corporation shall be deemed guilty of a separate offense for each and every day or any portion thereof during which any violation of any of the provisions of this Division or the Codes adopted hereby is committed, continued or permitted by such person, firm, partnership, or corporation, and shall be deemed punishable therefore as provided in this Division.

SECTION 8: Title 15 (Building and Construction Safety), Chapter 15.00, Division 13. Green Building Code is hereby deleted in its entirety and replaced to read as follows:

DIVISION 13. – GREEN BUILDING CODE

- Sec. 15.00.3240. California Green Building Code – Adopted.
Sec. 15.00.3250. Reserved.
Sec. 15.00.3260. Penalties for violation of division.

Sec. 15.00.3240. California Green Building Code – Adopted.

Except as amended by Section 15.00.3250, the 2013 California Green Building Code (Part 11 of Title 24 of the California Code of Regulations), without appendices, is hereby adopted and incorporated herein by reference as though fully set forth in this Division and shall constitute the Green Building Code of the City. A copy of such Code has been deposited in the office of the City Clerk and shall be, at all times, maintained by the City Clerk for use and examination by the public.

Separate waste diversion ordinances outlined in Chapter 8.16 of Title 8 and landscape

ordinances contained in Chapter 22.26 of Title 22 shall remain effective and in full force notwithstanding the adoption of the California Green Building Code.

Sec. 15.00.3250. Reserved.

Sec. 15.00.3260. Penalties for violation of division.

It shall be unlawful for any person, firm, partnership, or corporation to violate any provision, or to fail to comply with any of the requirements, of this Division. Any person, firm, partnership, or corporation violating any provision of this Division or failing to comply with their requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment not exceeding six (6) months or by both such fine and imprisonment. Each such person, firm, partnership, or corporation shall be deemed guilty of a separate offense for each and every day or any portion thereof during which any violation of any of the provisions of this Division or the Codes adopted hereby is committed, continued or permitted by such person, firm, partnership, or corporation, and shall be deemed punishable therefore as provided in this Division.

SECTION 8: Title 15 (Building and Construction Safety), Chapter 15.00, Division 9. Rehabilitation Code is hereby deleted in its entirety and replaced to read as follows:

DIVISION 9. – REHABILITATION CODE

Sec. 15.00.1510. Los Angeles County Building Code – Adopted.

Sec. 15.00.1520. Amendments to the Los Angeles County Building Code.

Sec. 15.00.1530. Penalties for violation of division.

Secs. 15.00.1540 – 15.00.1700. Reserved.

Sec. 15.00.1510. Los Angeles County Building Code – Adopted.

Except as amended by Section 15.00.1520, Chapters 98 (Unoccupied Buildings, Structures, and Special Hazards) and 99 (Building and Property Rehabilitation) of Title 26 of the Los Angeles County Building Code, based on the Uniform Building Code, is hereby adopted and incorporated herein by reference as the Rehabilitation Code of the City.

Sec. 15.00.1520. Amendments to the Los Angeles County Building Code.

- (1) *Section 9902.1 of Chapter 99 of the Los Angeles County Building Code is amended to read as follows:*

BOARD, as used by this Chapter, the term "Board," "Building Rehabilitation Appeals Board," or "Board of Supervisors" shall mean the City Council of the City of Diamond Bar. All powers and duties to be exercised by the "Board," "Building Rehabilitation Appeals Board," or "Board of Supervisors" shall be vested in the City Council of the City of Diamond Bar.

- (2) *Section 9902.8 is added to Chapter 99 of the Los Angeles County Building*

Code to read as follows:

COUNTY, as used by this Chapter, shall mean the City of Diamond Bar. All powers and duties to be exercised by the County shall be vested in the City of Diamond Bar.

- (3) *Section 9905.16 is added to Chapter 99 of the Los Angeles County Building Code to read as follows:*

Garbage containers and receptacles stored in front or side yards visible from public streets, except when placed in areas for collection not earlier than sunset of the day preceding the designated day for collection, and all containers and receptacles shall be removed from the place of collection prior to 10:00 p.m. of the day the containers and receptacles have been emptied:

- (4) *Section 9906 of Chapter 99 of the Los Angeles County Building Code is deleted in its entirety.*
- (5) *Section 9927 of Chapter 99 of the Los Angeles County Building Code is amended to read as follows:*

The costs involved in the demolition or other work by the Building Official, including in addition to other costs the applicable processing costs as set forth in Resolution 91-54 (fee schedule), shall become a special assessment against the property.

Sec. 15.00.1530. Penalties for violation of division.

It shall be unlawful for any person, firm, partnership, or corporation to violate any provision, or to fail to comply with any of the requirements, of this division. Any person, firm, partnership, or corporation violating any provision of this division or failing to comply with the requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding six months or by both such fine and imprisonment. Each such person, firm, partnership, or corporation shall be deemed guilty of a separate offense for each and every day or any portion thereof during which any violation of any of the provisions of this division or the code adopted hereby is committed, continued or permitted by such person, firm, partnership, or corporation, and shall be deemed punishable therefor as provided in this division.

Secs. 15.00.140 – 15.00.300. Reserved.

SECTION 9: Title 15 (Building and Construction Safety), Chapter 15.00, Division 7. Uniform Housing Code is hereby deleted in its entirety and replaced to read as follows:

DIVISION 7. – HOUSING CODE

- Sec. 15.00.1110. Uniform Housing Code – Adopted.
Sec. 15.00.1120. Amendments to the Uniform Housing Code.
Sec. 15.00.1130. Penalties for violation of division.

Secs. 15.00.1140 – 15.00.1300. Reserved.

Sec. 15.00.1110. Uniform Housing Code – Adopted.

Except as amended by Section 15.00.110, the 1997 Uniform Housing Code, published by the International Conference of Building Officials, is hereby adopted and incorporated herein by reference as though fully set forth in this Division and shall constitute the Housing Code of the City of Diamond Bar. A copy of such Code has been deposited in the office of the City Clerk and shall be, at all times, maintained by the City Clerk for use and examination by the public.

In the event of any conflict between the provisions of the 1997 Uniform Housing Code and California Health and Safety Code section 17920.3, the Health and Safety Code provisions shall control.

Sec. 15.00.1520. Amendments to the Uniform Housing Code.

- (1) *Chapters 1, 3, and 4 of the Uniform Housing Code are hereby deleted in their entirety. All administrative, permitting, definitions, and related requirements of said Chapters 1, 3, and 4 of the Uniform Housing Code shall be governed by Division 2 of this Chapter.*

Sec. 15.00.1130. Penalties for violation of division.

It shall be unlawful for any person, firm, partnership, or corporation to violate any provision, or to fail to comply with any of the requirements, of this division. Any person, firm, partnership, or corporation violating any provision of this division or failing to comply with their requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding six months or by both such fine and imprisonment. Each such person, firm, partnership, or corporation shall be deemed guilty of a separate offense for each and every day or any portion thereof during which any violation of any of the provisions of this division or the Codes adopted hereby is committed, continued or permitted by such person, firm, partnership, or corporation, and shall be deemed punishable therefor as provided in this division.

SECTION 10: Title 15 (Building and Construction Safety), Chapter 15.00, Division 8. Uniform Swimming Pool, Spa and Hot Tub Code is hereby deleted in its entirety and replaced to read as follows:

DIVISION 8. – RESERVED

Secs. 15.00.1310 – 15.00.1330. Reserved.

Secs. 15.00.1310 – 15.00.1330. Reserved.

SECTION 11: Any inconsistencies between the Building Code, Residential Code, Green Building Code, Electrical Code, Mechanical Code, and Plumbing Code, as adopted by this Ordinance, and the 2013 California Building Code, Residential Code, Green Building Code, Electrical Code, Mechanical Code, and Plumbing Code, as set forth in Parts 2, 2.5, 11, 3, 4,

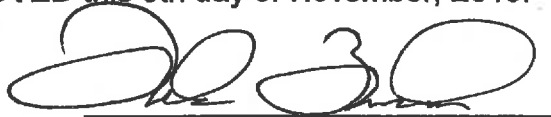
and 5, respectively, of Title 24 of the California Code of Regulations, are changes, modifications, amendments, additions or deletions thereto authorized by California Health and Safety Sections 17958.5 and 17958.7.

SECTION 12: To the extent the provisions of this Ordinance are substantially the same as previous provisions of the Diamond Bar Municipal Code, these provisions shall be construed as continuations of those provisions and not as new enactments.

SECTION 13: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part hereof or exhibit hereto is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Ordinance or any part thereof or exhibit thereto. The City Council of the City of Diamond Bar hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid.

SECTION 14: This ordinance shall be effective upon adoption and shall become operative on the 1st day of January, 2014.

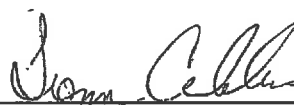
PASSED, ADOPTED AND APPROVED this 5th day of November, 2013.



Jack Tanaka, Mayor

I, TOMMYE CRIBBINS, City Clerk of the City of Diamond Bar, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Diamond Bar held on the 15th day of October, 2013, and was finally passed at a regular meeting of the City Council of the City of Diamond Bar held on the 5th day of November 2013, by the following vote:

AYES:	COUNCIL MEMBERS:	Chang, Herrera, Tye, MPT/Everett, M/Tanaka
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

ATTEST: 

City Clerk
City of Diamond Bar